

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NORTHEASTERN
PENNSYLVANIA
FREETHOUGHT SOCIETY,

Plaintiff,

v.

COUNTY OF LACKAWANNA
TRANSIT SYSTEM,

Defendant.

Civil Action No. 3:15-CV-00833-
MEM

(Judge Mannion)

**DECLARATION OF MOLLY TACK-HOOPER IN SUPPORT OF
PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES
AND COSTS PURSUANT TO 42 U.S.C. § 1988**

I, Molly Tack-Hooper, make the following declaration upon my personal knowledge:

1. This declaration is submitted in support of Plaintiff's Motion for Award of Attorneys' Fees.

2. My resume, attached hereto as Exhibit A, is incorporated by reference. In summary, I graduated from the NYU School of Law in 2009, where I received honors for my dedication to civil rights and civil

liberties and my aptitude in this area. After law school, I clerked for a U.S. Magistrate Judge in the Southern District of New York, and then joined the ACLU of Pennsylvania as a Legal Fellow in 2010. From 2011 to 2013, I represented plaintiffs in complex state and federal class actions as an associate at Berger & Montague. From February 2013 until November 2019, I was a staff attorney, and then a senior staff attorney, at the ACLU of Pennsylvania, working out of the Philadelphia office. In that capacity, I represented plaintiffs in constitutional impact litigation in many areas of law, with a significant portion of my docket focusing on free speech. In November 2019, I relocated to Seattle, Washington, and have served as a senior staff attorney at the ACLU of Washington since then.

3. I played a supporting role in this case at its inception, and stepped into a much more central role during discovery, after Ms. Platt left the Schnader firm and Mr. Wanger took over as the lead attorney for Schnader on the case.

4. From that point, Mr. Wanger and I worked together on every aspect of litigation in the trial court, with Mr. Wanger primarily

responsible for development of the facts and me primarily responsible for our legal analysis.

5. In the Third Circuit, I took the lead in outlining and drafting our briefs and coordinating amicus briefs, and I argued the case.

6. The case involved several complicated areas of First Amendment law, including forum analysis, content and viewpoint discrimination, vagueness, and the standards for facial and as-applied challenges. Crafting our theory for how the First Amendment applies to the facts of this case required a deep understanding of each of these legal concepts, each of which was embodied in separate lines of authority stemming from Supreme Court precedent, as well as mastering case law from across the country specific to transit advertising and separate case law specific to prohibitions on religious content.

7. In addition to being nuanced, some of the authority relevant to this case was conflicting, as former Solicitor General Paul Clement argued in a supplemental brief to the U.S. Supreme Court relying on the Third Circuit opinion in this case. *See* Suppl. Br., *Archdiocese of*

Washington v. WMATA (Sep. 26, 2019) (arguing that *NEPA Freethought Society v. COLTS* and *Archdiocese v. WMATA* bore “striking parallels” but produced results that “squarely conflict[],” setting up a “square and acknowledged circuit split in the specific factual context of government policies restricting religious advertising on bus exteriors”), available at https://www.supremecourt.gov/DocketPDF/18/18-1455/117161/20190926105217963_2019-09-26%20Archdiocese%20Supplemental%20Brief.pdf. Successfully litigating this case thus involved grappling with tensions and evolving authority in many of the applicable areas of First Amendment law.

8. The ACLU and its state affiliates do not charge clients. Accordingly, I did not charge our client in this case. Consequently, I am subject to the “community market rate rule” for determining my fee rate.

9. I believe that the requested rate of \$350 per hour for this case is fair for an attorney of my experience, skill, and standing. It is my understanding that this rate reflects the prevailing community rate for civil rights lawyers of comparable skill and experience, and that it is

lower than the rates that other federal court litigators at large law firms charge in Philadelphia. This is consistent with the attorneys' fee schedule created by Community Legal Services of Philadelphia ("CLS") in 2014, which sets a rate range of \$350 to \$420 per hour for attorneys with eleven to fifteen years of experience, and is lower than the 2018 CLS fee schedule, which sets a range of \$375 to \$450 per hour for attorneys with eleven to fifteen years of experience. True and correct copies of the attorneys' fee schedules posted online by CLS in 2014 and 2018 are attached as Exhibits B and C.

10. I certify that the attached time sheets, which are incorporated by reference, were prepared contemporaneously and maintained in the ordinary course of business.

11. I believe that all of the hours reflected in the attached time sheets (Exhibit D) were necessary to the successful prosecution of this case.

12. I have not included any time entries reflecting time that could not have been billed to a private client. For example, I have

omitted time spent on public education about the case and responding to press inquiries.

13. My total billable hours reflected in this fee request are 734.31 hours. At \$350 per hour, this amounts to a request of \$257,008.50 for my time on this case.

14. In addition, the ACLU of Pennsylvania incurred \$418.21 in expenses associated with this case. These expenses consist of the \$400 filing fee (the payment of which is reflected on the docket), a \$9.01 charge for lunch during my travel to Moosic for depositions of COLTS' witnesses on March 10, 2016, and a \$9.20 charge for lunch during my travel to Scranton for the pretrial conference on June 28, 2017.

I HEREBY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING STATEMENTS ARE, TO THE BEST OF MY RECOLLECTION AND BELIEF, TRUE AND ACCURATE.

A handwritten signature in black ink, appearing to read "Molly Tack-Hooper", written over a horizontal line.

Molly Tack-Hooper

March 19, 2020

EXHIBIT A

MOLLY TACK-HOOPER

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., May 2009

Honors: John Perry Prize (*awarded to one student for dedication to civil liberties and civil rights*)
Arthur Garfield Hays Civil Liberties Fellowship (*for legal ability and commitment to civil liberties*)
Moot Court Board: Immigration Law Competition Problem Editor, Associate Casebook Editor,
Chairperson's Award, Order of the Barristers (*both awarded for dedication to Moot Court*)
Review of Law & Social Change, Staff Editor

BROWN UNIVERSITY, Providence, RI

A.B. in International Relations ("Politics, Culture, and Identity" program), May 2002

LEGAL EXPERIENCE

ACLU OF WASHINGTON, Seattle, WA

Senior Staff Attorney, November 2019–Present

Build, lead, and support litigation in federal and state trial and appellate courts addressing civil liberties issues.

ACLU OF PENNSYLVANIA, Philadelphia, PA

Senior Staff Attorney, March 2019–November 2019

Litigate federal and state cases addressing civil liberties issues including free speech, immigrants' rights, LGBTQ rights, voting rights, and criminal law reform. Gather evidence through public records requests, investigation, and discovery. Draft and edit pleadings, motions, and briefs. Present evidence at hearings and jury and bench trials. Argue in Third Circuit, Pennsylvania Supreme Court, and trial courts. Collaborate with other departments on non-litigation advocacy. Prepare and present testimony to legislative bodies. Raise awareness through press and public programming. Supervise Intake Attorney, volunteer attorneys, legal fellows, and interns.

Staff Attorney, February 2013–March 2019

Legal Fellow, September 2010–April 2011

BERGER & MONTAGUE, P.C., Philadelphia, PA

Associate, April 2011–February 2013

Represented plaintiffs in high-profile class actions in federal and state courts at trial and appellate levels. Drafted litigation documents. Analyzed a wide range of procedural and substantive issues in cases involving antitrust and consumer protection law.

HON. MICHAEL H. DOLINGER, U.S. MAGISTRATE JUDGE, SOUTHERN DISTRICT OF NEW YORK, New York, NY

Judicial Law Clerk, September 2009–September 2010

Wrote and edited opinions on motions, scheduled discovery and other pre-trial matters, monitored parties' compliance with procedural rules and orders, and attended hearings and settlement conferences.

ACLU FIRST AMENDMENT WORKING GROUP (now Speech, Privacy, & Technology Project), New York, NY

Hays Fellow, January–May 2009

Helped plan, file, and brief challenge to secrecy provisions of the federal False Claims Act. Researched organizational standing and constitutional and common-law rights of access to court documents.

LAMBDA LEGAL DEFENSE FUND, New York, NY

Hays Fellow, September–December 2008

Designed and conducted 50-state survey of procedural and substantive law relevant to challenging ballot initiatives, referenda, and other voter-generated legislation aimed at limiting LGBTQ rights.

MOLLY TACK-HOOPER

(CONTINUED)

PROFESSOR JOHN SEXTON, NEW YORK UNIVERSITY, New York, NY

Teaching Assistant, The Supreme Court and Religion, September–December 2008

Taught discussion section of freshman honors seminar on Free Exercise and Establishment Clause jurisprudence.

ACLU DRUG LAW REFORM PROJECT (now Criminal Law Reform Project), Santa Cruz, CA

Legal Intern, June–August 2008

Interviewed potential clients. Researched and briefed issues related to the war on drugs, including racial justice issues and privacy invasions such as student strip searches and drug-testing of pregnant women.

DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, SPECIAL LITIGATION SECTION, Washington, DC

Legal Intern, May–August 2007

Participated in prisoners' rights and reproductive freedom litigation. Oversaw document requests and interview scheduling on discovery tour of Oklahoma juvenile detention facility. Participated in interviews of incarcerated youth.

NYU LAW ACLU, NYU SCHOOL OF LAW, New York, NY

Legal Projects Co-Chair, May 2007–May 2008

Founded program to offer student research assistance to ACLU offices. Project leader for NYCLU research.

LAW STUDENTS FOR HUMAN RIGHTS, NYU SCHOOL OF LAW, New York, NY

3L Advisor, Steering Committee, April 2008–May 2009

Organized panel event on application of human rights framework to domestic legal issues.

Domestic Service Co-Chair, Steering Committee, May 2007–April 2008

Expanded and oversaw Alternative Spring Break (ASB) program. Responsible for budgeting and fundraising, as well as recruiting, selecting, and supervising ASB site leaders and participants.

Student Researcher, Liberty & National Security Project, Brennan Center for Justice, January–April 2007

Researched issues related to the policing of Muslim communities as part of counter-terrorism initiatives.

DEVELOPMENT EXPERIENCE

New York, NY, and Providence, RI, 2002–2006

Grantwriter, event planner, and nonprofit management consultant for 501(c)(3) organizations of varying sizes.

SELECTED SPEAKING ENGAGEMENTS

Attorneys' Fees & Ethics, Pennsylvania Bar Association, Civil & Equal Rights Symposium, April 2019

Qualified Immunity, Temple University Beasley School of Law Civil Rights Clinic, September 2018

Challenging the Muslim Ban, Take Action Philly, January 2017

Race and Civil Asset Forfeiture, "Race, Crime, and the Constitution Revisited," Symposium of the Penn Law Journal of Constitutional Law, January 2016

Civil Liberties Implications of Digital Encryption, U. Penn School of Law, Inn of Court, January 2016

"Do You Have to Tell My Mom?" Minors, Health Care, & the Law, J. Lax Treatment Center, May 2014

LEADERSHIP IN PROFESSIONAL ASSOCIATIONS

PHILADELPHIA BAR ASSOCIATION

Founder, Public Interest Associates' Committee (2019); Board of Governors (2018); Chair, Public Interest Section (2017); Co-Chair, Civil Rights Committee (2015–Present)

DREXEL UNIVERSITY THOMAS R. KLINE SCHOOL OF LAW, AMERICAN INN OF COURT

Master (2018–Present), Team Leader (2019)

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, AMERICAN INN OF COURT, Barrister (2015–2018)

EXHIBIT B

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Attorney Fees

Explanatory Notice to the Public

CLS never charges attorney's fees to its clients, although in some cases clients are asked to pay for court filing fees or other out of pocket expenses.

The attached chart lists the fee schedule used by CLS only in cases in which the law allows for the award of attorney's fees from opposing parties in order to compensate CLS for the legal services provided to its clients.

RANGE OF HOURLY RATES*, Effective September 12, 2014

Attorneys post-law school experience under 2 years	\$180-200
Attorneys 2-5 year's experience	\$200-250
Attorneys 6-10 year's experience	\$265-335
Attorneys 11-15 year's experience	\$350-420
Attorneys 16-20 year's experience	\$435-505
Attorneys 21-25 year's experience	\$520-590
Attorneys more than 25 year's experience	\$600-650
Law Students	\$90-145
Paralegal I and II	\$115-140
Senior and Supervisory Paralegal	\$140-165

*These rates do not reflect any adjustment for contingency, and are based on Philadelphia law firm market survey data and increases in the Consumer Price Index.

THESE FEES ARE NOT CHARGED TO CLS CLIENTS. SEE NOTICE ABOVE.

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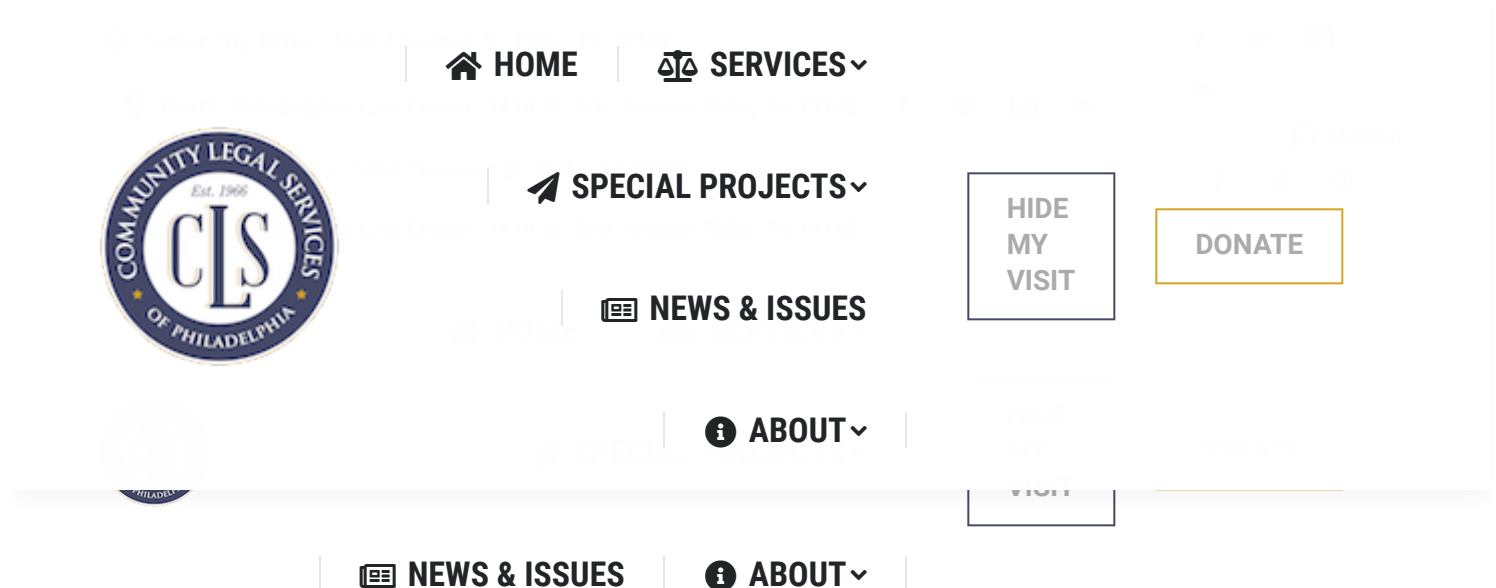
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Connect with us:

Center City Office: 1424 Chestnut Street, Philadelphia, PA 19102

North Philadelphia Office: 1410 W. Erie Avenue, Philadelphia, PA 19140

EXHIBIT C



ATTORNEY FEES

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EXPLANATORY NOTICE TO THE PUBLIC

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The attached chart lists the fee schedule used by CLS only in cases in which the law allows for the award of attorney's fees from opposing parties in order to compensate CLS for the legal services provided to its clients.

RANGE OF HOURLY RATES*, Effective July 1, 2018

Attorneys post-law school experience under 2 years	\$200-220
Attorneys 2-5 year's experience	\$230-275
Attorneys 6-10 year's experience	\$280-360
Attorneys 11-15 year's experience	\$375-450
Attorneys 16-20 year's experience	\$475-530
Attorneys 21-25 year's experience	\$550-640
Attorneys more than 25 year's experience	\$650-700
Law Students	\$110-160

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Legal Disclaimer

CONTACT INFO

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3700

North Philadelphia
Office
1410 W. Erie
Avenue,
Philadelphia, PA
19140 | 215-227-
2400

Landlord Tenant
Help Center
1339 Chestnut St.
10th Floor
Philadelphia, PA
19103



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EXHIBIT D

Date	Description	Hours
8/28/2013	Research - Factual and legal research on First Amendment claims for rejected bus ad	1.75
8/29/2013	Factual Investigation - Reviewing timeline, calling Justin Vacula	0.59
9/3/2013	Right to Know Request - Edited RTK request for bus ads	0.30
9/9/2013	Client Contact - Conversation w client re rejection of ad and right-to-know request	0.40
9/16/2013	Factual Investigation - Edited revised RTK request for bus ads, cover letter	0.30
9/18/2013	Client Contacts - Emails from client, phone call to update client on litigation plan	0.40
9/18/2013	Legal Analysis - Analysis of constitutional flaws in COLTS' new ad policy	0.50
9/24/2013	Factual Investigation - Updating RTK request	0.40
10/28/2013	Right to Know Request - Checking in w/opposing counsel on status of RTK response	0.20
10/29/2013	Factual Investigation - Reviewing RTK response	0.90
11/5/2013	Paying invoice for RTK request	0.40
3/11/2014	Case Management - Emails to co-counsel bringing them up to speed	2.33
3/13/2014	Case Management - Emails to co-counsel	0.30
4/2/2014	Editing retainer agreement, co-counsel agreement	0.90
4/10/2014	Edits to retainer, co-counsel agmt	0.12
5/11/2014	Case Management - Email to Vic with case development updates	0.13
5/22/2014	Administration - Co-counsel and retainer agmt edits	0.20
5/28/2014	Client Contacts - Emls to client	0.63
5/29/2014	Client Contacts - Emails to client, team re: next steps	0.70
6/4/2014	Client Contacts - Emails re: next steps	0.30
6/5/2014	Client Contacts - Team call w/Justin, emails re new RTK requests	0.67
6/6/2014	Client Contacts - Emails re retainer agreement	0.30
6/10/2014	Reviewing old and new policy, proposed ads	0.80
7/7/2014	Client Contacts - Emails to client	0.33
8/5/2014	Client Contacts - Emails counseling client	0.30
9/6/2014	Client Contacts - Reviewing documents from client	0.50
9/12/2014	Court Filings - Edits to complaint	2.28
9/16/2014	Client Contacts - Emails with Justin - attorney client privilege	0.30
9/16/2014	Court Filings - Conversations w/MCR about restructuring complaint	0.50
11/5/2014	Court Filings - Reviewing edited complaint	0.08
3/25/2015	Editing complaint	0.65
4/9/2015	Editing complaint	0.85
4/9/2015	Call w/client and co-counsel	0.43
4/10/2015	Emails with client about organizational changes	0.50
4/21/2015	Edits to complaint	0.23
4/28/2015	Prepping complaint for filing, filing	1.13
4/28/2015	Conversations about service	0.35
5/5/2015	Conversations w/opposing and co-counsel re: service	0.52
5/6/2015	Strategy re: service, waiver of service	0.10
6/25/2015	Reading Motion to Dismiss	0.15

6/26/2015	Scheduling call re: opp to MTD	0.05
6/29/2015	Reading MTD	0.85
7/6/2015	Finalizing and filing motion for extension plus attachments	0.28
7/24/2015	Editing opposition to Motion to Dismiss	5.28
7/26/2015	Editing opposition to Motion to Dismiss	2.25
7/27/2015	Editing opposition to Motion to Dismiss	2.68
7/28/2015	Reviewing COLTS' initial disclosures, discovery requests, emails w/co-counsel re: responses	0.32
7/28/2015	Change of address - emailing opposing counsel	0.20
7/28/2015	Reviewing discovery materials	0.18
8/13/2015	Skimming 9th Cir. opinion in AFDI bus ads case	0.33
9/9/2015	Emails re: consent to magistrate	0.08
9/14/2015	Editing 26f Joint Case Management Plan	0.20
10/29/2015	Emails w/co-counsel re: COLTS discovery responses	0.25
10/30/2015	Reviewing supplemental discovery from COLTS	0.15
11/2/2015	Reading order, calendaring deadlines	0.10
1/8/2016	Team strategy call plus follow-up	2.07
1/13/2016	Strategy Conversation w/co-counsel re: depositions	0.13
1/18/2016	Reviewing motion for extension of time	0.03
2/10/2016	Email to Ben Wanger checking in re: case assignments	0.08
2/12/2016	Reviewing opinion on MTD, answer, documents, and conversation w/Wanger	1.13
2/20/2016	Deposition prep	0.22
3/3/2016	Prep for depositions, incl. meeting w/co-counsel	1.82
3/3/2016	Researching M.D. admission for Wanger	0.58
3/3/2016	Research, phone calls re: co-counsel admission	0.42
3/8/2016	Prep for deps	1.35
3/9/2016	Dep Prep - reviewing edited outline	0.18
3/10/2016	Deposition prep, plus driving to/from Scranton, getting Wanger sworn in, five hours of depositions, one hour client counseling	11.50
3/11/2016	Debrief w/Ben Wanger on Wintermantel dep	0.15
3/18/2016	Conversations w/Wanger about additional discovery requests	0.67
3/31/2016	Emails re: deps	0.20
4/4/2016	Reviewing discovery (supplemental doc production, dep transcripts)	0.35
4/7/2016	Read deps, reviewing evidence for summary judgment	4.83
4/7/2016	Conversation w/Wanger about summary judgment arguments	0.97
4/12/2016	Researching for summary judgment	2.55
4/13/2016	Conversation w/Wanger re: outlining motion for summary judgment	0.25
4/21/2016	Drafting errata for Justin's transcript	0.35
5/3/2016	Drafting tipulation re: 30b6 dep	0.03
5/5/2016	Outlining summary judgment motion	0.52
5/11/2016	Reviewing documents from Hinton	0.33
5/11/2016	Discussing Hinton documents w/Wanger, plus follow-up	1.12
5/16/2016	Reviewing motion for extension	0.10
6/1/2016	Emails w/Wanger re: summary judgment schedule	0.28
6/28/2016	Drafting summary judgment brief, conversation w/Wanger re: summary judgment	1.63

7/5/2016	Drafting summary judgment brief	2.30
7/5/2016	Editing statement of undisputed facts	2.93
7/6/2016	Drafting Mem. Law Supp. Mot. For Summ. J.	8.62
7/7/2016	Drafting/editing brief supp MSJ	2.55
7/8/2016	Drafting/editing brief supp MSJ	7.38
7/9/2016	Drafting/editing brief supp MSJ	1.18
7/11/2016	Emails w/co-counsel re: edits to Motion for Summary Judgment	0.53
7/12/2016	Editing statement of facts	0.08
7/13/2016	Editing revised statement of facts	4.45
7/14/2016	Editing Exhibits	0.13
7/14/2016	Reviewing edited Statement of Facts	0.17
7/14/2016	Editing brief supp MSJ, proposed order	2.85
7/15/2016	Editing brief	3.52
7/18/2016	Editing MSJ and Statement of Facts	1.28
7/18/2016	Editing Motion, Exhibit TOC, Proposed Order, Certificate of Non-Concurrence	0.47
7/18/2016	Reading Def's statement of facts	0.08
7/18/2016	Editing proposed order	0.10
7/20/2016	Editing draft Statement of Facts in Opposition to Def's MSJ, related conversations w/co-counsel	0.38
7/22/2016	Editing opposition to statement of facts	2.07
7/22/2016	Editing brief in support of Plaintiff's motion for summary judgment	1.02
7/25/2016	Editing brief in support of Plaintiff's motion for summary judgment	7.03
7/27/2016	Editing brief in support of Plaintiff's motion for summary judgment	3.13
7/29/2016	Editing brief in support of Plaintiff's motion for summary judgment	0.38
8/1/2016	Editing brief in support of Plaintiff's motion for summary judgment	2.20
8/1/2016	Filing brief on ECF	0.13
8/1/2016	Reading def's brief, outlining opposition to Stmt of Facts	0.88
8/1/2016	Email to Roper re: Def's 56.1 opposition	0.18
8/2/2016	Conversation w/Wanger re: strategy	0.15
8/2/2016	Drafting motion to deem Pl.'s 56.1 statement admitted	0.70
8/8/2016	Drafting motion to deem Pl.'s 56.1 statement admitted	0.95
8/9/2016	Drafting additional section for motion to treat 56.1 statement as admitted	0.65
8/9/2016	Drafting opposition to Def's Motion for Summary Judgment	0.55
8/9/2016	Editing 56.1 opposition statement	0.38
8/11/2016	Call w/Wanger re: opposition brief	0.10
8/11/2016	Editing motion for extension	0.08
8/26/2016	Conversation w/Roper re: opposition to Def's Motion for Summary Judgment	0.25
8/29/2016	Legal research for opposition brief	1.50
8/30/2016	Editing 56.1 opposition statement	1.82
8/30/2016	Drafting brief in opposition to Def's motion for summary judgment	5.13
8/31/2016	Editing brief in opposition to Def's motion for summary judgment	9.83
9/1/2016	Editing opposition to 56.1 statement	2.17
9/1/2016	Finalizing motion to treat Pl's 56.1 Stmt as undisputed	0.17
9/1/2016	Editing brief in opposition to Def's motion for summary judgment	0.78

9/2/2016	Edits to brief in opposition	1.90
9/2/2016	Drafting proposed order	0.10
9/2/2016	Emails re: computing time, deadlines on holidays, finalizing filing on Monday	0.08
9/4/2016	Emails re: finalizing filings	0.25
9/5/2016	Reviewing final filings, calculating reply deadline	0.25
9/5/2016	Reading COLTS opposition brief, outlining reply	0.27
9/6/2016	Drafting sections of reply in support of Plaintiffs' Motion for Summary Judgment	0.17
9/6/2016	Drafting sections of reply in support of Plaintiff's Motion for Summary Judgment	2.88
9/7/2016	Drafting sections of reply in support of Plaintiff's Motion for Summary Judgment	2.93
9/8/2016	Drafting reply brief	1.37
9/9/2016	Drafting reply brief	4.65
9/12/2016	Reviewing Roper's edits to the reply brief, adding additional citations	3.40
9/14/2016	Reviewing and discussing COLTS motion to amend 56.1 response	0.58
9/15/2016	Reviewing final draft of reply brief in support of motion for summary judgment	0.07
9/16/2016	Finalizing and filing reply brief	0.52
9/16/2016	Reading Def's Motion to Amend 56.1 statement, drafting response in opposition	0.02
9/20/2016	Reviewing Defendant's amended 56.1 statement, drafting response	0.07
9/23/2016	Reviewing Defendant's amended 56.1 statement, drafting response	0.33
9/26/2016	Drafting motion to amend reply	0.22
10/1/2016	Drafting amended reply brief, editing motion to amend and mem law in support	1.37
10/3/2016	Seeking concurrence from opposing counsel in motion to amend reply	0.35
10/4/2016	Emails re: motion to amend	0.07
10/4/2016	Finalizing and filing Motion to Amend Reply Brief	1.12
4/11/2017	Reading opinion on cross-motions for summary judgment; emails and calls with Wanger and client (Vacula) re: trial prep	1.65
4/12/2017	Client (Vacula) call, team emails	0.55
4/27/2017	Conversations re trial w/co-counsel	0.17
6/1/2017	Strategy call w/co-counsel	0.08
6/5/2017	Prep for Rule 16 conference, conversations w/Wanger	1.48
6/6/2017	Rule 16 conference, trial prep	3.60
6/7/2017	Conversations about trial strategy w/co-counsel	0.08
6/7/2017	Editing trial stipulations	1.92
6/8/2017	Emails re: ad timeline, exhibit list	3.37
6/9/2017	Editing stipulations of fact, call w/Wanger	2.60
6/12/2017	Trial prep	0.17
6/13/2017	Meet w/Wanger, trial prep	2.97
6/14/2017	Conversation w/client (Vacula)	0.25
6/15/2017	Prep for trial	3.78
6/16/2017	Conversations w/opposing counsel, Wanger re: stipulations	0.67

6/16/2017	Conversations w/Wanger, opposing counsel re: pre-trial memo, FOF/COL	0.50
6/18/2017	Drafting/editing pretrial memo	1.13
6/19/2017	Drafting FOF/COL	3.27
6/20/2017	Drafting FOF/COL	5.70
6/20/2017	Filing Joint Motion for Extension	0.60
6/22/2017	Drafting/editing FOF/COL	4.72
6/23/2017	Emails w/Wanger re: edits to COL, revising COL	3.85
6/24/2017	Edit to COL	0.02
6/25/2017	Editing FOF/COL	3.47
6/25/2017	Editing responses to motions in limine	3.93
6/26/2017	Conversations w/Wanger and opposing counsel re: trial	0.32
6/26/2017	Editing stipulations of fact	0.83
6/26/2017	Editing responses to motions in limine	0.75
6/27/2017	Prep for pretrial conference	0.40
6/27/2017	Client conversation re: trial	0.42
6/27/2017	Stipulations of fact	0.93
6/27/2017	Prep for pretrial conference	1.48
6/28/2017	Prep for and attend pretrial conference	2.00
6/28/2017	Prep for trial	2.00
6/28/2017	Travel to/from pretrial conference	4.00
6/30/2017	Editing stips	0.48
7/10/2017	Trial prep - Justin Vacula	0.52
7/10/2017	Trial prep - exhibits	0.38
7/12/2017	Trial prep	1.23
7/13/2017	Trial prep	0.33
7/14/2017	Trial prep	3.13
7/16/2017	Trial prep - outlining witness examinations	2.00
7/17/2017	Emails w/co-counsel, opposing counsel, and chambers re: moving trial date, drafting and filing unopposed motion	1.35
7/17/2017	Trial prep	0.02
7/18/2017	Scheduling calls and emails w/court and counsel	0.17
7/27/2017	Conversations w/Wanger re: rescheduling the trial	0.08
8/15/2017	Trial prep -- meeting w/Wanger	1.67
8/30/2017	Conversation w/Wanger re: trial prep	0.08
8/30/2017	Scheduling trial prep with Wanger	0.03
9/11/2017	Emails w/client	0.15
9/15/2017	Trial prep w/co-counsel	2.00
10/5/2017	Editing Wintermantel cross	2.15
10/12/2017	Trial prep -- meeting with Wanger to go over Wintermantel outline	1.73
10/12/2017	Strategy discussion w/colleagues about witnesses	0.33
10/18/2017	Drafting direct and cross of Vacula, Fiume, Hinton	2.03
10/19/2017	Trial prep	2.50
10/20/2017	Trial prep	0.67
10/23/2017	Trial prep	0.13
10/24/2017	Trial prep -- drafting/editing crosses and directs	4.17
10/25/2017	Editing directs and crosses, incl. meeting with Wanger	4.98

10/30/2017	Trial prep	0.88
10/31/2017	Outreach to Justin Vacula, editing direct and cross outlines, drafting closing	1.80
11/1/2017	Trial prep, incl. meeting with Wanger	4.18
11/2/2017	Editing direct and crosses	6.07
11/3/2017	Trial prep, incl. conversations re: witness examinations, edits to outlines	4.53
11/4/2017	Trial prep	2.28
11/5/2017	Editing opening	0.58
11/6/2017	Trial prep - emails re: client prep, opening	6.23
11/8/2017	Drafting closing, conversations w/Wanger	4.03
11/9/2017	Editing closing	3.20
11/9/2017	Trial prep meeting w/Wanger	2.33
11/9/2017	Finalizing exhibits	1.10
11/10/2017	Conversations w/opposing counsel re: exhibit stipulations	0.25
11/10/2017	Revising closing	10.57
11/11/2017	Revising closing	4.53
11/12/2017	Revising closing	2.12
11/12/2017	Client prep	2.00
11/12/2017	Travel to Scranton	3.00
11/12/2017	Editing crosses, direct, closing	4.00
11/13/2017	Trial prep - before trial	3.50
11/13/2017	Trial	6.50
11/13/2017	Travel back from Scranton	3.00
11/28/2017	Conversations w/Wanger re: supplemental FOF/COL	0.08
12/1/2017	Conversations re: FOF/COL	0.33
12/5/2017	Drafting supplemental FOF/COL	0.38
12/6/2017	Post-trial briefing	1.10
12/7/2017	Reviewing motion for extension	0.27
12/8/2017	Editing/drafting supplemental FOF/COL	0.08
12/27/2017	Editing supplemental FOF/COL	5.02
12/28/2017	Editing supplemental FOF/COL	5.00
12/29/2017	Finalizing supplemental FOF/COL	0.50
1/2/2018	Reading Def's memo, emails re: reply brief	0.28
1/3/2018	Reading Def's brief, outline for reply	0.13
1/8/2018	Reply to Def's FOF COL	2.60
1/9/2018	Post-trial briefing - reply	3.37
1/10/2018	Drafting reply brief	0.42
1/12/2018	Drafting reply brief, plus call w/co-counsel	5.30
1/13/2018	Drafting reply brief	2.42
1/14/2018	Drafting reply brief	0.83
1/16/2018	Drafting reply	6.70
1/17/2018	Drafting reply	4.07
1/18/2018	Editing reply brief	2.83
1/25/2018	Drafting notice of supplemental authority re: MVA v. Mansky	1.58
1/26/2018	Strategy Conversations re: Notice of supplemental authority, editing notice, filing notice	0.67

7/9/2018	Conversations about whether to appeal	0.17
7/10/2018	Analyzing opinion, prep for appeal	0.75
7/15/2018	Emails re: drafting case opening documents, reviewing notice of appeal	0.17
7/16/2018	Conversations about amicus briefs	0.08
7/19/2018	Conversations re: appeal	0.05
7/23/2018	Conversations about notice of appeal, issues complained of on appeal, transcript order	0.20
7/27/2018	Discussion of concise summary, questions presented	0.25
7/30/2018	Emails w/co-counsel, call w/co-counsel re: strategy	0.50
8/9/2018	Emails re: 3d Cir. admission for Brian Hauss	0.08
8/10/2018	Editing statement of issues on appeal	0.20
8/20/2018	Finalizing and filing case opening documents	0.77
8/20/2018	Reviewing case opening docs	0.28
8/20/2018	Team strategy call plus follow-up	1.17
8/27/2018	Team strategy calls, emails	1.00
8/27/2018	Entering appearance	0.18
8/27/2018	Outreach to prospective amici	0.67
8/27/2018	Reviewing trial transcript	0.75
8/28/2018	Reviewing trial transcript	2.83
9/4/2018	Emails to amici	1.50
9/8/2018	Legal research for appeal	0.70
9/11/2018	Legal research for appeal	2.28
9/12/2018	Emails re: amicus briefs	0.52
9/12/2018	Legal research for appeal	2.22
9/12/2018	Team strategy call	0.37
9/13/2018	Legal research for appeal	3.73
9/14/2018	Conversation w/Center for Inquiry and American Atheists	0.67
9/14/2018	Call w/co-counsel	0.33
9/17/2018	Team call	0.50
9/21/2018	Emails w/Reporters Committee re: briefing schedule	0.12
10/4/2018	Emails re: extension of briefing schedule	0.17
10/5/2018	Emails re: motion for extension	0.17
10/8/2018	Emails to opposing counsel re: appendix and motion for extension	0.12
10/11/2018	Conversation with client	0.60
10/11/2018	Conversation with potential amici + follow-up	0.60
10/11/2018	Finalizing and filing motion for extension	0.50
10/15/2018	Drafting outline of appellant's brief	5.78
10/16/2018	Editing outline, team call re: strategy	0.80
10/17/2018	Emails re: dividing up additional research tasks	0.80
10/18/2018	Conversation w/Schnader associate	0.12
10/22/2018	Team emails re: strategy	0.23
10/29/2018	Team call re: appendix, brief outline	0.83
10/29/2018	Editing Schnader associate outline	0.08
10/29/2018	Emails re: appendix contents	0.30
10/29/2018	Emails re: potential amicus brief	0.13
11/2/2018	Reviewing appendix list	1.43

11/5/2018	Conversation w/co-counsel	0.07
11/12/2018	Strategy call w/Ben Wanger	0.25
11/14/2018	Team meeting w/Ben Wanger and Rachel Horton	1.12
11/19/2018	Drafting appellant's brief	0.22
11/19/2018	Team strategy call	0.33
11/20/2018	Research for appellate brief	1.02
11/21/2018	Drafting appellate brief	5.72
11/22/2018	Drafting brief, editing fact section	1.50
11/23/2018	Drafting brief, editing fact section	4.47
11/24/2018	Drafting brief, editing fact section	4.30
11/25/2018	Drafting brief	11.13
11/26/2018	Team call re: strategy	0.23
11/27/2018	Editing brief	2.90
11/27/2018	Emails, calls w/co-counsel	0.38
11/28/2018	Editing brief	3.60
11/29/2018	Email to Third Circuit practitioner with question re: appendix rules	0.17
11/29/2018	Email to co-counsel re: joint appendix and local rules	0.67
11/29/2018	Reviewing Schnader's edits to the brief	0.33
11/29/2018	Revising brief - incorporating Schnader's and my edits	2.48
11/29/2018	Team call	0.55
11/30/2018	Conversation w/co-counsel	0.08
11/30/2018	Drafting appellant's brief - marrying edits	0.27
11/30/2018	Drafting section of brief dealing with Lehman, reviewing relevant precedents	0.67
11/30/2018	Printing cases, making case binder for argument	1.18
11/30/2018	Reading Playboy Entertainment case, editing strict scrutiny analysis	1.67
11/30/2018	Reading cases on Hecklers' veto, editing brief	1.30
11/30/2018	Reading cases on closing the forum, editing brief	1.65
11/30/2018	Reviewing new draft of brief -- edits to case summary, statement of facts, summary of argument	2.00
12/1/2018	Editing brief -- summary of argument, viewpoint discrimination sections	1.25
12/2/2018	Editing brief - reasonableness section	1.80
12/2/2018	Editing brief - designated public forum section	2.63
12/2/2018	Editing brief - incorporating line edits	1.50
12/2/2018	Editing brief - incorporating line edits - summary of argument	0.53
12/2/2018	Editing brief - viewpoint discrimination section	2.87
12/3/2018	Editing joint appendix designation	0.20
12/3/2018	Reading new brief draft	5.75
12/3/2018	Team call re: finalizing brief, inserting JA cites, finalizing JA	0.75
12/5/2018	Editing brief, filling in missing record citations	8.90
12/5/2018	Reviewing the final JA	0.30
12/6/2018	Editing opening brief	5.22
12/7/2018	Editing opening brief - reasonableness section	3.18
12/7/2018	Editing briefs - facts and viewpoint discrimination	6.50
12/8/2018	Adding JA cites to appellant's brief	1.62
12/9/2018	Emailing opposing counsel re: the joint appendix	0.08

12/9/2018	Final edits to the appellate brief	1.25
12/9/2018	Reviewing Brian Hauss's edits	0.38
12/10/2018	Checking local rules re: brief requirements	0.33
12/10/2018	Conversations with co-counsel	0.23
12/10/2018	Final substantive review of the appellant's brief	5.37
12/11/2018	Call w/co-counsel re: finalizing the brief and JA	0.33
12/11/2018	Checking cites in the appellant's brief	0.33
12/11/2018	Finalizing the JA	0.37
12/11/2018	Finalizing opening brief	0.22
12/13/2018	Refiling appendix	0.27
12/17/2018	Team, client emails re: strategy	0.12
2/12/2019	Conversations w/co-counsel re: reply deadline	0.07
2/12/2019	Research on reply deadlines and extensions	0.17
2/14/2019	Outlining reply brief	3.78
2/14/2019	Team call, follow-up emails	0.28
2/20/2019	Outlining reply brief	1.18
2/21/2019	Outlining reply brief	0.42
2/21/2019	Team call re: strategy	0.63
2/25/2019	Drafting reply brief - nonpublic forum section	3.03
2/25/2019	Drafting reply brief - vagueness section	1.05
2/25/2019	Reading cases on forum analysis	0.50
2/26/2019	Reading cases on forum analysis	2.85
2/27/2019	Drafting reply brief - nonpublic forum section	2.30
2/27/2019	Reading cases on nonpublic forum doctrine	0.67
2/27/2019	Team call, plus follow-up email	0.13
2/28/2019	Call w/co-counsel re: Perry Educ'n Ass'n case	0.08
2/28/2019	Drafting reply brief	5.00
3/1/2019	Drafting reply brief	5.45
3/2/2019	Drafting reply brief	7.62
3/3/2019	Drafting reply brief	1.35
3/4/2019	Drafting reply brief	3.23
3/4/2019	Drafting reply brief - intro and conclusion	1.10
3/5/2019	Drafting reply brief - intro and conclusion	0.88
3/5/2019	Team call to discuss reply draft	0.02
3/8/2019	Emails re: reply brief	0.27
3/10/2019	Emails re: reply brief edits	0.07
3/10/2019	Reviewing and incorporating edits to reply brief	1.17
3/11/2019	Reviewing additional edits to the reply brief	9.32
3/15/2019	Reviewing edits to reply brief	1.50
3/18/2019	Editing reply - final	2.07
3/18/2019	Filing reply brief	0.12
3/19/2019	Emails w/team re: oral argument, moots	0.22
4/2/2019	Call w/co-counsel re: argument prep, follow-up email	0.28
4/2/2019	Completing acknowledgement of argument form	0.07
4/2/2019	Filing acknowledgement of argument	0.05
4/2/2019	Notifying client of oral argument date	0.02
4/8/2019	Prep for and attend team call	0.25

4/8/2019	Drafting argument outline	0.25
4/11/2019	Emails w/client re: oral argument	0.17
4/15/2019	Team call	0.05
4/23/2019	Team check-in	0.07
4/29/2019	Oral argument prep	0.13
4/30/2019	Emails re: moots	0.83
4/30/2019	Team call re: strategy	0.28
5/1/2019	Drafting oral argument outline	1.68
5/2/2019	Reaching out to attorneys re: participating in moots	0.42
5/6/2019	Emailing attorney mooters	0.33
5/6/2019	Oral argument prep	1.63
5/7/2019	Oral argument prep	0.35
5/7/2019	Call w/co-counsel	0.63
5/8/2019	Oral argument prep	1.65
5/8/2019	Team meeting - oral argument prep	1.25
5/9/2019	Oral argument prep	0.73
5/10/2019	Oral argument prep	4.48
5/11/2019	Oral argument prep	0.50
5/12/2019	Oral argument prep	0.75
5/13/2019	Prep for oral argument	3.65
5/14/2019	Prep for oral argument	4.18
5/14/2019	Email to co-counsel w/updates	0.08
5/15/2019	Oral argument prep	4.13
5/16/2019	Oral argument prep	3.95
5/17/2019	Oral argument prep	5.55
5/20/2019	Prepping outline and Q&A for sharing	4.07
5/21/2019	Oral argument prep	0.37
5/22/2019	Oral argument prep	1.67
5/23/2019	Oral argument prep	6.27
5/24/2019	Prep for oral argument	1.18
5/28/2019	Prep for oral argument	1.53
5/28/2019	Reviewing co-counsel's comments on oral arg. outline	0.27
5/29/2019	Moot #1	2.70
5/29/2019	Oral argument prep	1.58
5/30/2019	Drafting and filing summary of issues	0.67
5/30/2019	Emails w/co-counsel about oral argument	0.02
5/30/2019	Prep for moot	1.17
5/31/2019	ECF filing	0.02
6/1/2019	Prep for oral argument	0.22
6/2/2019	Prep for oral argument	3.25
6/3/2019	Prep for moot	9.00
6/4/2019	Prep for moot	10.08
6/4/2019	Moot No. 2	3.00
6/5/2019	Oral argument prep - revising outline	4.23
6/5/2019	Oral argument prep - listening to moot no. 2, revising outline	0.33
6/6/2019	Oral argument prep	7.52
6/7/2019	Oral arg. prep	6.05

6/8/2019	Oral argument prep	5.05
6/9/2019	Oral argument prep	2.27
6/10/2019	Oral argument prep	7.35
6/11/2019	Oral argument prep	7.25
6/12/2019	Oral argument - in court	3.00
6/12/2019	Post-argument debrief with team	1.00
6/13/2019	Listening to oral argument	1.27
6/26/2019	Emails re: 28j letter	0.15
6/27/2019	Editing 28j letter	0.33
6/27/2019	Finalizing and filing 28j letter	0.63
7/2/2019	Reading COLTS' 28j letter	0.12
7/15/2019	Reading case for possible 28j letter	0.42
9/17/2019	Call w/client	0.08
9/17/2019	Reading Third Circuit opinion	0.83
9/18/2019	Research on fee petition	0.60
9/20/2019	Calls w/co-counsel	0.08
9/20/2019	Compiling fees	0.25
9/23/2019	Preparing fee demand	2.20
9/24/2019	Compiling fees	1.70
9/25/2019	Compiling fees	0.10
3/3/2020	Editing fee petition	1.10
3/3/2020	Editing fee petition	0.60
3/9/2020	Time sheets	0.80
3/11/2020	Editing fee petition	0.10
3/11/2020	Editing fee petition	0.10
3/12/2020	Call re: fee petition plus follow-up emails	0.60
3/12/2020	Editing fee declaration	0.70
3/12/2020	Editing fee declaration	1.30
3/12/2020	Editing fee declaration and reviewing time records for privilege	0.10
3/12/2020	Editing fee declaration and reviewing time records for privilege	0.40
3/13/2020	Reviewing Hauss declaration	0.10
3/14/2020	Reviewing expert declarations supp fee petition, emails re: rates	0.20
3/14/2020	Reviewing expert declarations supp fee petition, emails re: rates	0.10
3/14/2020	Adjusting rates and recalculating lodestar in fee petition	1.00
3/14/2020	Reviewing time records for privilege, shorthand, etc.	0.50
3/14/2020	Reviewing time records for privilege, shorthand, etc.	0.20
3/14/2020	Reviewing time records for privilege, shorthand, etc.	0.70
3/15/2020	Updating time records	0.40
3/18/2020	Reviewing Schnader's timesheets, editing fee petition, emails to declar	1.70

TOTAL 734.31